

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

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In re Patent Application of:  
Yoshihisa TSUKADA et al.

Application No.: 10/724,706

Confirmation No.: 1979

Filed: January 8, 2007

Art Unit: 1752

For: PHOTOTHERMOGRAPHIC MATERIAL

Examiner: T. Chea

**RENEWED PETITION UNDER 37 C.F.R. § 1.78(a)(3)**  
**FOR ACCEPTANCE OF UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Renewed Petition is filed in response to the "Decision on Petition" mailed February 6, 2008. As stated in the February 6<sup>th</sup> Decision on Petition, the first petition filed on January 8, 2007 (to accept an unintentionally delayed claim under 35 U.S.C. § 120 for benefit of priority to prior-filed non-provisional application) was dismissed due to two defects. This Renewed Petition corrects those defects.

***Correction of Two Defects***

Pursuant to 37 C.F.R. § 1.78(a)(3), Applicants hereby petition to accept an unintentionally delayed claim to priority under 35 U.S.C. § 120 of U.S. Application No. 09/953,958, filed September 18, 2001, and JP P2000-281809 filed September 18, 2000. The entire delay between the date that the claim was due under 37 C.F.R. § 1.78(a)(2)(ii) and the date

the claim is filed was unintentional. Also, a signed Application Data Sheet (37 C.F.R. § 1.76(b)(6)) is being concurrently filed with this Renewed Petition.

It is believed that the requirements under 37 C.F.R. § 1.78(a)(3)(i)-(iii) have been satisfied. Acceptance and granting of this Petition are respectfully requested.

Also, a copy of the originally filed Petition of January 8, 2007 as well as a copy of an executed supplemental declaration is submitted herewith.

The fee required under 37 C.F.R. § 1.17(t) in the amount of \$1,370.00 was previously submitted on January 8, 2007. Thus, it is believed that no fee is due with this renewed petition. Still, if necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required, including under 37 C.F.R. § 1.16 or under § 1.17 (extension of time fees).

Dated: APR 7 2008

Respectfully submitted,

By 

Marc S. Weiner  
Registration No.: 32,181  
BIRCH, STEWART, KOLASCH & BIRCH, LLP  
8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant

Attachments

## **Application Data Sheet**

### **Application Information**

Application Type::	Regular
Subject Matter::	Utility
Suggested Group Art Unit::	1752
CD-ROM or CD-R?::	None
Sequence submission?::	None
Computer Readable Form (CRF)?::	No
Title::	PHOTOTHERMOGRAPHIC MATERIAL
Attorney Docket Number::	1982-0208P
Request for Early Publication?::	No
Request for Non-Publication?::	No
Small Entity?::	No
Petition included?::	No
Secrecy Order in Parent Appl.?::	No

### **Applicant Information**

Applicant Authority Type::	Inventor
Primary Citizenship Country::	Japan
Status::	Full Capacity
Given Name::	Yoshihisa
Family Name::	TSUKADA
City of Residence::	Minami-Ashigara-Shi
Country of Residence::	Kanagawa, Japan
Street of mailing address::	c/o Fuji Photo Film Co., Ltd. 210 Nakanuma
City of mailing address::	Minami-Ashigara-Shi, Kanagawa
Country of mailing address::	Japan

Postal or Zip Code of mailing address:: 250-0193

Applicant Authority Type:: Inventor  
Status:: Full Capacity  
Given Name:: Hajime  
Family Name:: NAKAGAWA  
City of Residence:: Minami-Ashigara-Shi  
Country of Residence:: Kanagawa, Japan  
Street of mailing address:: c/o Fuji Photo Film Co., Ltd.  
210 Nakanuma  
City of mailing address:: Minami-Ashigara-Shi, Kanagawa  
Country of mailing address:: Japan

#### **Correspondence Information**

Correspondence Customer Number:: 02292

#### **Representative Information**

Representative Customer Number:: 02292

#### **Domestic Priority Information**

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	Continuation-in-part of	09/953,958	09/18/01

### Foreign Priority Information

Country::	Application number::	Filing Date::	Priority Claimed::
Japan	P2000-281809	09/18/00	Yes
Japan	2002-351466	12/03/02	Yes

### Assignee Information

Assignee name:: FUJI PHOTO FILM CO., LTD.  
Street of mailing address:: 210 Nakanuma,  
City of mailing address:: Minami-Ashigara-shi  
State or Province of mailing address:: Kanagawa  
Country of mailing address:: Japan  
Postal or Zip Code of mailing address:: 250-0123

 [Marc Weiner]  
32,181 APR 7 2008

Docket No.: 1982-0208P  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Yoshihisa TSUKADA et al.

Application No.: 10/724,706

Confirmation No.: 1979

Filed: December 2, 2003

Art Unit: 1752

For: PHOTOTHERMOGRAPHIC MATERIAL

Examiner: T. Chea

**SUBMISSION OF SUPPLEMENTAL  
DECLARATION AND POWER OF ATTORNEY**


Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

Transmitted herewith for filing in connection with the above-identified U.S. patent application is a supplemental Declaration and Power of Attorney. The Supplemental Declaration provides information regarding priority to U.S. Application No. 09/953,958 filed September 18, 2001, and JP P2000-281809 filed September 18, 2000, upon which the present application claims priority.

Dated: FEB 27 2007

Respectfully submitted,

By 

Marc S. Weiner  
Registration No.: 32,181  
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8110 Gatehouse Road, Suite 100 East  
P.O. Box 747  
Falls Church, Virginia 22040-0747  
(703) 205-8000  
Attorney for Applicant

**COPY**

**BIRCH, STEWART, KOLASCH & BIRCH, LLP**

PLEASE NOTE:  
YOU MUST  
COMPLETE THE  
FOLLOWING

P.O. Box 747 • Falls Church, Virginia 22040-0747  
Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

## COMBINED DECLARATION AND POWER OF ATTORNEY FOR PATENT AND DESIGN APPLICATIONS

As a below named inventor, I hereby declare that: my residence, post office address and citizenship are as stated next to my name; that I verily believe that I am the original, first and sole inventor (if only one inventor is named below) or an original, first and joint inventor (if plural inventors are named below) of the subject matter which is claimed and for which a patent is sought on the invention entitled:

Insert Title: PHOTOTHERMOGRAPHIC MATERIAL

the specification of which is attached hereto. If not attached hereto, the application is identified by the attorney docket number as set forth above and/or the following:

Fill in Appropriate Information - The specification was filed on December 2, 2003 as United States Application Number 10/724,706 ;  
and amended on June 10, 2005; January 16, 2006; April 14, 2006; and January 8, 2007, and/or  
the specification was filed on \_\_\_\_\_ as PCT International Application Number \_\_\_\_\_ ;  
and was amended on \_\_\_\_\_ (if applicable)

For Use Without  
Specification  
Attached:

I hereby state that I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

I do not know and do not believe the same was ever known or used in the United States of America before my or our invention thereof, or patented or described in any printed publication in any country before my or our invention thereof or more than one year prior to this application, that the same was not in public use or on sale in the United States of America more than one year prior to this application, that the invention has not been patented or made the subject of an inventor's certificate issued before the date of this application in any country foreign to the United States of America on an application filed by me or my legal representative or assigns more than twelve months (six months for designs) prior to this application, and that no application for patent or inventor's certificate on this invention has been filed in any country foreign to the United States of America prior to this application by me or my legal representatives or assigns, except as follows.

I hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) of any foreign application(s) for patent or inventor's certificate listed below and have also identified below any foreign application for patent or inventor's certificate having a filing date before that of the application on which priority is claimed:

Insert Priority Information (if appropriate)		Priority Claimed	
<u>2002-351466</u>	<u>Japan</u>	<u>12/03/2002</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Month/Day/Year Filed)	
<u>P2000-281809</u>	<u>Japan</u>	<u>September 18, 2000</u>	<input checked="" type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Month/Day/Year Filed)	
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Month/Day/Year Filed)	
_____	_____	_____	<input type="checkbox"/> Yes <input type="checkbox"/> No
(Number)	(Country)	(Month/Day/Year Filed)	

I hereby claim the benefit under Title 35, United States Code, §119(e) of any United States provisional application(s) listed below.

Insert Provisional Application(s): (if any)	(Application Number)	(Filing Date)
_____	_____	_____
_____	_____	_____

All Foreign Applications, if any, for any Patent or Inventor's Certificate Filed More than 12 Months (6 Months for Designs) Prior to the Filing Date of This Application:

Insert Requested Information (if appropriate)	Country	Application Number	Date of Filing (Month/Day/Year)
_____	_____	_____	_____
_____	_____	_____	_____

I hereby claim the benefit under Title 35, United States Code, §120 of any United States and/or PCT application(s), including for continuation-in-part application(s) listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States and/or PCT application in the manner provided by the first paragraph of Title 35, United States Code, §112, I acknowledge the duty to disclose information which is material to the patentability as defined in Title 37, Code of Federal Regulations, §1.56 which became available between the filing date of the prior application and the national or PCT international filing date of this application.

Insert Prior U.S. Application(s): (if any)	(Application Number)	(Filing Date)	Pending (Status - patented, pending, abandoned)
_____	<u>09/953,958</u>	<u>September 18, 2001</u>	<u>Pending</u>
_____	_____	_____	_____
_____	_____	_____	_____

I hereby appoint the practitioners at CUSTOMER NO. 02292 as my attorneys or agents to prosecute this application and/or an international application based on this application and to transact all business in the United States Patent and Trademark Office connected therewith and in connection with the resulting patent based on instructions received from the entity who first sent the application papers to the practitioners, unless the inventor(s) or assignee provides said practitioners with a written notice to the contrary:

Send Correspondence to:

**CUSTOMER NO. 02292; (BIRCH, STEWART, KOLASCH & BIRCH, LLP)**

Telephone: (703) 205-8000 • Facsimile: (703) 205-8050

**PLEASE NOTE:  
YOU MUST  
COMPLETE  
THE  
FOLLOWING:**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full Name of First  
or Sole Inventor:  
Insert Name of  
Inventor →  
Insert Date This  
Document is Signed

Insert Residence

Insert Post Office  
Address →

Full Name of Second  
Inventor, if any:  
see above

Full Name of Third  
Inventor, if any:  
see above

Full Name of Fourth  
Inventor, if any:  
see above

Full Name of Fifth  
Inventor, if any:  
see above

Full Name of Sixth  
Inventor, if any:  
see above

GIVEN NAME/FAMILY NAME Yoshihisa TSUKADA	INVENTOR'S SIGNATURE <i>Yoshihisa Tsukada</i>	DATE* 2/16/2007
Residence (City, State & Country) Minami-Ashigara-Shi, Kanagawa, Japan		CITIZENSHIP Japan
MAILING ADDRESS (Complete Street Address including City, State & Country) c/o Fuji Photo Film Co., Ltd.; 210 Nakanuma, Minami-Ashigara-Shi, Kanagawa, 250-0193; JAPAN		
GIVEN NAME/FAMILY NAME Hajime NAKAGAWA	INVENTOR'S SIGNATURE <i>Hajime Nakagawa</i>	DATE* 2/16/2007
Residence (City, State & Country) Minami-Ashigara-Shi, Kanagawa, Japan		CITIZENSHIP Japan
MAILING ADDRESS (Complete Street Address including City, State & Country) c/o Fuji Photo Film Co., Ltd.; 210 Nakanuma, Minami-Ashigara-Shi, Kanagawa, 250-0193; JAPAN		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)		CITIZENSHIP Japan
MAILING ADDRESS (Complete Street Address including City, State & Country)		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)		CITIZENSHIP
MAILING ADDRESS (Complete Street Address including City, State & Country)		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)		CITIZENSHIP
MAILING ADDRESS (Complete Street Address including City, State & Country)		
GIVEN NAME/FAMILY NAME	INVENTOR'S SIGNATURE	DATE*
Residence (City, State & Country)		CITIZENSHIP
MAILING ADDRESS (Complete Street Address including City, State & Country)		

\*DATE OF SIGNATURE



**COPY**

Docket No.: 1982-0208P  
(PATENT)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Patent Application of:  
Yoshihisa TSUKADA et al.

Application No.: 10/724,706

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Filed: January 8, 2007

Art Unit: 1752

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Examiner: T. Chea

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**FOR ACCEPTANCE OF UNINTENTIONALLY DELAYED CLAIM FOR PRIORITY**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

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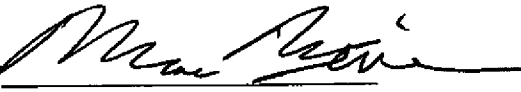
It is believed that the requirements under 37 C.F.R. § 1.178(a)(3)(i)-(iii) have been satisfied. Acceptance and granting of this Petition are respectfully requested.

The fee required under 37 C.F.R. § 1.17(t) in the amount of \$1,370.00 is submitted herewith.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: January 8, 2007

Respectfully submitted,

By 

Marc S. Weiner

Registration No.: 32,181

BIRCH, STEWART, KOLASCH & BIRCH, LLP

8110 Gatehouse Road, Suite 100 East

P.O. Box 747

Falls Church, Virginia 22040-0747

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Attorney for Applicant

## Application Data Sheet

### Application Information

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Subject Matter::	Utility
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Sequence submission?::	None
Computer Readable Form (CRF)?::	No
Title::	PHOTOTHERMOGRAPHIC MATERIAL
Attorney Docket Number::	1982-0208P
Request for Early Publication?::	No
Request for Non-Publication?::	No
Small Entity?::	No
Petition included?::	No
Secrecy Order in Parent Appl.?::	No

### Applicant Information

Applicant Authority Type::	Inventor
Primary Citizenship Country::	Japan
Status::	Full Capacity
Given Name::	Yoshihisa
Family Name::	TSUKADA
City of Residence::	Minami-Ashigara-Shi
Country of Residence::	Kanagawa, Japan
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City of mailing address::	Minami-Ashigara-Shi, Kanagawa
Country of mailing address::	Japan

Postal or Zip Code of mailing address:: 250-0193

Applicant Authority Type:: Inventor  
Status:: Full Capacity  
Given Name:: Hajime  
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Country of Residence:: Kanagawa, Japan  
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City of mailing address:: Minami-Ashigara-Shi, Kanagawa  
Country of mailing address:: Japan

**Correspondence Information**

Correspondence Customer Number:: 02292

**Representative Information**

Representative Customer Number:: 02292

**Domestic Priority Information**

Application::	Continuity Type::	Parent Application::	Parent Filing Date::
This Application	Continuation-in-part of	09/953,958	09/18/01

# COPY

## Foreign Priority Information

Country::	Application number::	Filing Date::	Priority Claimed::
Japan	P2000-281809	09/18/00	Yes
Japan	2002-351466	12/03/02	Yes

## Assignee Information

Assignee name:: FUJI PHOTO FILM CO., LTD.  
Street of mailing address:: 210 Nakanuma,  
City of mailing address:: Minami-Ashigara-shi  
State or Province of mailing address:: Kanagawa  
Country of mailing address:: Japan  
Postal or Zip Code of mailing address:: 250-0123